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# Security Council

Fiftieth Year

*Provisional*

**3536**th Meeting
Friday, 12 May 1995, 5.45 p.m.
New York

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| *President*: | Mr. Mérimée | (France) |
| *Members*: | Argentina | Mr. Cárdenas |
| | Botswana | Mr. Legwaila |
| | China | Mr. Wang Xuexian |
| | Czech Republic | Mr. Kovanda |
| | Germany | Mr. Henze |
| | Honduras | Mr. Martínez Blanco |
| | Indonesia | Mr. Wisnumurti |
| | Italy | Mr. Ferrarin |
| | Nigeria | Mr. Gambari |
| | Oman | Mr. Al-Khussaiby |
| | Russian Federation | Mr. Lavrov |
| | Rwanda | Mr. Ubalijoro |
| | United Kingdom of Great Britain and Northern Ireland | Sir David Hannay |
| | United States of America | Mr. Gnehm |

## Agenda

The situation in the occupied Arab Territories

Letter dated 8 May 1995 from the representatives of Morocco and the United Arab Emirates to the United Nations addressed to the President of the Security Council (S/1995/366)

Letter dated 8 May 1995 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council (S/1995/367)

95-85453 (E)

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*The meeting was called to order at 5.45 p.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation in the occupied Arab territories**

**Letter dated 8 May 1995 from the representatives of Morocco and the United Arab Emirates to the United Nations addressed to the President of the Security Council (S/1995/366)**

**Letter dated 8 May 1995 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council (S/1995/367)**

**The President** (*interpretation from French*): I should like to inform the Council that I have received letters from the representatives of Algeria, Australia, Bangladesh, Canada, Cuba, Djibouti, Egypt, Iraq, Israel, the Islamic Republic of Iran, Japan, Jordan, Kuwait, Lebanon, Malaysia, Morocco, Pakistan, Qatar, Sudan, the Syrian Arab Republic, Tunisia, Turkey and the United Arab Emirates, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

*At the invitation of the President, Mr. Yaacobi (Israel) took a place at the Council table; Mr. Lamamra (Algeria), Mr. Butler (Australia), Mr. Rahman (Bangladesh), Mr. Fowler (Canada), Mr. Rodriguez Parrilla (Cuba), Mr. Ochaye (Djibouti), Mr. Elaraby (Egypt), Mr. Khoshroo (Islamic Republic of Iran), Mr. Hamdoon (Iraq), Mr. Kawai (Japan), Mr. Abu Odeh (Jordan), Mr. Abulhasan (Kuwait), Mr. Moubarak (Lebanon), Mr. Razali (Malaysia), Mr. Snoussi (Morocco), Mr. Kamal (Pakistan), Mr. Al-Ni'mah (Qatar), Mr. Yassin (Sudan), Mr. Hallak (Syrian Arab Republic), Mr. Abdellah (Tunisia), Mr. Batu (Turkey) and Mr. Al-Suwaidi (United Arab Emirates) took the places reserved for them at the side of the Council Chamber.*

**The President** (*interpretation from French*): I should like to inform the Council that I have received a letter dated 12 May 1995 from the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, which reads as follows:

> "In my capacity as the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I have the honour to request that I be invited to participate in the debate on the agenda item 'The situation in the occupied Arab territories', under rule 39 of the provisional rules of procedure of the Security Council."

On previous occasions, the Security Council has extended invitations to representatives of other United Nations bodies in connection with the consideration of matters on its agenda. In accordance with past practice in this matter, I propose that the Council extend an invitation under rule 39 of its provisional rules of procedure to the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

There being no objection, it is so decided.

I should like to inform the Council that I have received a letter dated 12 May 1995 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/1995/388 and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite Mr. Nasser Al-Kidwa, Permanent Observer of Palestine to the United Nations, to participate in the current debate of the Security Council with regard to the situation in the occupied Arab territories. including Jerusalem, and the latest illegal Israeli action in Jerusalem."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the current debate in accordance with the rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

*At the invitation of the President, Mr. Al-Kidwa (Palestine) took a place at the Council table.*

**The President** (*interpretation from French*): The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in response to the requests contained in letters dated 8 May 1995 from the Permanent Representatives of Morocco and the United Arab Emirates to the United Nations addressed to the President of the Security Council, document S/1995/366, and from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council, document S/1995/367.

I should like to draw the attention of the members of the Council to the following other documents: S/1995/341 and S/1995/376, letters dated 28 April and 3 May 1995, respectively, from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General; and S/1995/352, letter dated 8 May 1995 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council.

The first speaker is the representative of Palestine, on whom I now call.

**Mr. Al-Kidwa** (Palestine) *(interpretation from Arabic):* Allow me at the outset to congratulate you, Sir, on your assumption of the presidency of the Security Council for the month of May and to express our full confidence in your ability to guide the Council's work. I should also like to take this opportunity to thank His Excellency Ambassador Kovanda, the Permanent Representative of the Czech Republic to the United Nations, for his successful leadership of the Council last month.

The Security Council is meeting today to address a dangerous Israeli action: the recent ordering by the Israeli authorities of the confiscation of 53 hectares of land located in the area of occupied East Jerusalem. This is an action which constitutes a flagrant violation of the relevant Security Council resolutions and of the Fourth Geneva Convention of 1949, as well as of the Declaration of Principles of 13 September 1993. Moreover, this action was taken in the city of Al-Quds Al-Sharif, which is of central importance to the Arab and Islamic worlds and lies at the heart of the Palestinian cause, which is the crux of the Arab-Israeli conflict.

Arab and Islamic anger in response to the action has taken shape clearly in the reaction by the general public and in the official Arab position taken in the emergency meeting of the Arab Foreign Ministers and in the common Arab stance here within the United Nations, as well as in the action taken by the Organization of the Islamic Conference (OIC) and the Al-Quds Committee. We are pressing forward at the United Nations because this international Organization has been dealing with the issue of Jerusalem from the very beginning and has been giving it special attention since it first took up the question of Palestine.

Allow me now quickly to review the stages through which this central issue has gone, both within the United Nations and outside.

On 29 November 1947, the General Assembly, in the exercise of its authority towards Palestine as one of the areas under the Mandate System of the League of Nations, adopted resolution 181 (II), commonly referred to as the "partition resolution". This resolution partitioned mandated Palestine into two states, one Arab and one Jewish, and designated a demilitarized Jerusalem as a *corpus separatum* under the aegis of the Trusteeship Council of the United Nations. The following year the General Assembly reaffirmed this principle with regard to Jerusalem in its well-known resolution 194 (III), of 11 December 1948.

As a result of the 1948 war, the city, as is known, was the subject of a de facto division. Nevertheless, by 1950 the General Assembly reaffirmed the principle of a *corpus separatum*, a principle which was repeated in its later resolutions despite the de facto division. In implementation of resolution 181 (II), the Trusteeship Council effectively adopted the statute of Jerusalem on 4 April 1950, but, unfortunately, it was not implemented.

At the time during which Israel was applying for membership in the United Nations, and in the course of the tense discussions which occurred regarding this request, Israel gave assurances with regard to its commitment to implementing General Assembly resolutions 181 (II) and 194 (III). These assurances were actually referred to in General Assembly resolution 273 (III), of 11 May 1949, which granted membership to Israel. However, despite the commitment made, Israel almost immediately violated these assurances when the Israeli Parliament — the Knesset — declared Jerusalem the capital of Israel on 23 January 1950; and in 1951 the Israeli ministries moved to the city. The reaction of Member States to this illegal and unfortunate action was, correctly, in line with international law and relevant United Nations resolutions. No nation recognized Israeli

sovereignty over the part of Jerusalem under its control at the time, which is known as Western Jerusalem. Further, no countries established their embassies in Western Jerusalem or transferred them there.

With the outbreak of the 1967 war, Israel occupied the other part of Jerusalem, including the walled city, with its religious sites, along with its occupation of the rest of the West Bank, the Gaza Strip, the Syrian Golan and the Egyptian Sinai. The Israeli Government immediately annexed East Jerusalem and, with the authorization of the Knesset, it expanded the municipal border of the city to approximately 7,005 hectares, which is equivalent to almost 10 times the original area of the city, and imposed Israeli law, jurisdiction and administration upon it.

The Israeli Government then began fervently implementing a comprehensive and integrated policy aimed at achieving the highest degree of settler colonization in the occupied city through the confiscation of land and the intensification of construction for settlers on this confiscated land and, in turn, at decreasing the size of the population of the Palestinians of the city by making life harsher for them by all means and in all areas. In summary, it was a policy which aimed at the judaization of the city and the achievement of a Jewish majority in it.

Through the years — and to this day — the area of land confiscated by Israel in the expanded East Jerusalem adds up to 2,400 hectares, which represents 33 per cent of the area of East Jerusalem, upon which 35,000 units for settlements have been built. These units have all been allocated to Jewish settlers. Also, Israel has confiscated other land, totalling 3,100 hectares and referred to as a "green area", upon which there has been no construction. The net result of such measures is that the Palestinians have been left with a minimal area of land, equal to only about 14 per cent of East Jerusalem in its expanded municipal boundaries.

On 30 July 1980, the Israeli Knesset adopted the basic law of Jerusalem, reaffirming the de facto annexation of 1967 and declaring "the complete and united Jerusalem" as the capital of Israel. It is also worth mentioning that all this colonial expansion differs from what some Israeli circles refer to as "Greater Jerusalem", a goal for which many more annexations and confiscations are projected.

With regard to the illegal settlers, the first settlers to inhabit occupied East Jerusalem arrived in 1969, and their numbers continued to grow over the years, reaching 50,000 by 1979 and totalling approximately 150,000 in 1993, a figure almost equivalent to the total Arab population of the city.

In addition to all of the above, Israel, the occupying Power, alongside the armed settlers, has many times attacked the sanctity of Islamic holy places. The most dangerous of those actions was the attempt to burn Al Masjid Al Aqsa Al Mubarak in 1969.

All of this has been done in spite of the clear positions taken by the international community, in total defiance of the United Nations and in violation of a series of Security Council resolutions regarding the situation in Jerusalem, such as resolutions 250 (1968), 252 (1968), 267 (1969), 271 (1969), 298 (1971), 476 (1980), 478 (1980) and 672 (1990).

Those resolutions declared, *inter alia*, that all of the measures and arrangements taken by Israel, including the legislative and administrative ones, aimed at changing the legal status of the city, are null and void and without any legal validity. Those resolutions also condemned Israel's attempts to change the character of the city and its demographic composition and pronounced that the basic law of Jerusalem constituted a violation of international law and should be rescinded. They further called upon Member States to abide by that position; all of this in addition to a large number of Security Council resolutions which repeatedly affirm the applicability of the Fourth Geneva Convention to all the occupied territories, including Jerusalem, as well as those demanding that Israel, the occupying Power, cease its settlement activities and comply with the provisions of the Convention.

Once again the position of the Member States of the United Nations was clear and in line with international law and the Council's resolutions. Not one single country recognized the annexation or the sovereignty of Israel over East Jerusalem and, with the unfortunate exception of two countries, no country moved its embassy to Jerusalem. Nevertheless, and in spite of what has been previously mentioned, Israel persists with such plans, policies and practices, imposing their power in a show of force above and beyond the law, totally ignoring Security Council resolutions.

Recently, we became convinced that a new era had dawned in the Middle East and in the history of the Israeli-Palestinian relationship as a result of the important and fundamental development of the signing of the Declaration of Principles between the Palestine Liberation

Organization (PLO) and the Government of Israel. In the Declaration, the two parties agreed on a transitional period and they also agreed to postpone the negotiations on several difficult and complex issues, including Jerusalem, until the second phase, which is to commence as soon as possible but not later than the beginning of the third year. As such, the two parties agreed to negotiate the issue of Jerusalem and they agreed on a specific time frame within which to conduct these negotiations. Also, the Israeli side made a commitment with regard to the Palestinian institutions in East Jerusalem, recognizing their great importance and stating that they would be preserved during the transitional period.

The minimum level of compliance with the contractual obligations of the parties, and negotiation in good faith, requires that the parties do not make changes on the ground that prejudge the results of the negotiations or influence it. Neither one of the parties should undertake hostile actions which cause extreme damage to the other side: that is considered one of the basic symptoms of occupation. Such acts violate the Hague Regulations of 1907 and its Annexed Regulations and the Fourth Geneva Convention of 1949. This is exactly what Israel has recently done with its announcement of new confiscation orders of 53 hectares of East Jerusalem land and the announcement of plans for the construction of residential units for settlers and another unit for police use. In addition, many Israeli officials reiterated the intention of the government to confiscate more lands for the establishment of more new settlements.

We cannot speak about Israeli policies and practices in Jerusalem without speaking about their horrible practices with regard to the closure of the city in the face of the Palestinian people, preventing them from entering it despite the importance of Jerusalem as a religious, cultural, economic centre for the whole population. So the whole thing did not stop at the expansion of the municipal boundaries of Jerusalem and the confiscation of its land, as now the city is also closed in the face of its people and its real owners, with all the consequential harm to them.

Then there are the illegal excavations in the vicinity of Al Haram Al Sharif, which recently reached to areas very close to Al Masjid Al Aqsa Al Mubarak, threatening the integrity and foundation of the mosque, something which could cause a real upheaval in the Arab and Islamic worlds.

All of the above issues concern only Israeli policies and practices in Jerusalem. We can add to that list many other practices, some of which relate to it as an occupying Power, such as the continuation of its plans of colonial settlement in other areas of the occupied territory, and others which relate to it as a partner in the peace process, such as delaying the implementation of the second phase of the Declaration of Principles, which calls for the redeployment of the Israeli forces in the rest of the West Bank and the holding of the general Palestinian election, and also the breaching of the economic agreement and the adoption of specific steps that have led to the choking of the Palestinian economy and an increase in the suffering of our people in the occupied territory and in the territory of the Palestinian National Authority.

If we look at the whole picture, we can see the dangers of the situation before us and the destructive impact of Israeli practices on the peace process, particularly those related to Jerusalem, including — and foremost — the confiscation orders. Israel must understand that it cannot continue to go on with its occupation mentality and it must understand that the Declaration of Principles was reached between two parties representing two equal peoples and therefore the rights and aspirations of both of them should be respected, not only those of one side at the expense of the other.

Israel must also understand that it cannot achieve peace while continuing to hold the land, that it is not possible to maintain its grip on Jerusalem while demanding normal relations with its neighbours and their friends. Finally, Israel must choose: either there is agreement with the Palestinian side or there is no agreement, because the status of half-agreement is unacceptable and absolutely untenable. We on our side are committed to the agreement and the peace process, and we are ready to go forward on the basis of implementing what was agreed upon, with complete respect for international law.

What about the co-sponsors of the peace process and their respective roles in this regard? We believe that the co-sponsors have to intensify their efforts to rescue the process and to guarantee its progress by persuading Israel not to continue to pursue these policies and practices and by pushing for the parties' implementation of their contractual obligations. The American co-sponsors carry a larger responsibility in this regard because of their special relationship with Israel and because of the letters of assurance they provided to the parties participating in the process, including the letter of assurance to the Palestinian side, which was an integral component of the basis for Palestinian participation in the whole process.

That letter of assurance, dated 24 October 1991, states the following about the issue of Jerusalem:

> "The United States is opposed to the Israeli annexation of East Jerusalem and the extension of Israeli law on it and the extension of Jerusalem's municipal boundaries. We encourage all sides to avoid unilateral acts that would exacerbate local tensions or make negotiations more difficult or pre-empt their outcome".

We are now witnessing precisely such actions, and we hope that the United States will take a clear position in keeping with its assurances in this regard.

We would like to say a word here regarding attempts currently under way in the United States Congress to move the American Embassy in Israel to Jerusalem, which constitutes an attempt to cancel the United States policy that has prevailed over 40 years. Under normal circumstances, we would not be taking up proceedings of the parliaments of Member States, but this case has gone beyond the merely hypothetical, touching the vital interests of our people and representing a violation of international law and the relevant Security Council resolutions. We appreciate the current Administration's position with regard to these new attempts, as well as the positions of previous Administrations. But, at the same time we want to warn of the possible catastrophic consequences of these attempts if they are successful.

If such attempts actually materialize, we will work to build an Arab-Islamic position on the issue and will be obliged to fight the move, despite our limited capabilities. In part, our response will be within the framework of the United Nations system, including the Security Council — under Article 27, paragraph 3, of the Charter — and the International Court of Justice, to which we will turn for an advisory opinion or some other form of involvement.

What is now required from the Council with regard to this issue? What is required is that the Council assume its duty to guarantee the rescinding of the Israeli confiscation orders through the adoption of a clear resolution. What is also required is that the Council make the Israelis understand the importance of not repeating such acts in the future. This, of course, falls within the framework of what is required in general from the Council: guaranteeing respect for international law and providing the necessary support for the peace process.

It is truly our hope that the Council will succeed this time in assuming its responsibilities, in contrast with what happened recently, when the Council did not shoulder its task again after the debate on 28 February. Had we succeeded then, we probably would not have had to come before the Council today. We hope to succeed this time, so that we will not have to come before the Council again in the future on the same issue.

Jerusalem, the Holy City for the three monotheistic religions, was and will remain the key to war and peace. It is the first kiblah for Muslims, the home of the third of Islam's sacred mosques, the destination of the Prophet's divine journey and the burial place of Jesus Christ. Throughout history it has been a setting for both conflict and peace. It is unlike any other city. It has always maintained an Islamic and Arab identity, and it will continue to do so. All Israeli attempts to change its character, falsify its history and deny the rights of the Palestinians in it is extremely dangerous and touch the dignity and the convictions of the Islamic and Arab worlds.

The Palestinian people, under the leadership of the Palestine Liberation Organization, will continue their struggle to achieve their legitimate rights, including the right to establish their independent State, with Jerusalem as its capital.

**The President** (*interpretation from French*): I thank the representative of Palestine for the kind words he addressed to me.

The next speaker is the representative of Morocco. I invite him to take a place at the Council table and to make his statement.

**Mr. Snoussi** (Morocco) (*interpretation from French*): First of all, I wish to thank you, Mr. President, for having allowed my delegation to participate in this debate. I also thank the Security Council for having responded favourably to our request, on behalf of the Arab countries and the Organization of the Islamic Conference, for a meeting.

It is a great honour for me to offer you, Sir, on behalf of the delegation of the Kingdom of Morocco, sincere congratulations on your assumption of the presidency of the Security Council for May 1995. I am pleased to express to you, a worthy representative of a country with which my own country has strong ties of friendship and cooperation, our greetings. My delegation

is firmly convinced that your talents as an experienced diplomat, as well as your well-known human qualities, will ensure the success of the Security Council's work this month. I should also like to fulfil the pleasant duty of congratulating Ambassador Karel Kovanda of the Czech Republic on his outstanding performance as President of the Council last month.

The Kingdom of Morocco, like many other countries — in particular, Arab and Muslim countries — learned with great consternation and bitterness of the decisions taken by the Israeli Government concerning the confiscation of 53 hectares of Palestinian land in the eastern part of the Holy City of Al-Quds in order to establish new settlements there.

Deeply distressed and concerned at this very serious measure, the Ministerial Council of the League of Arab States, which held an extraordinary meeting on 6 May 1995 in Cairo, unanimously condemned this recent decision by the Israeli Government, which could compromise the chances of peace being achieved in that part of the world.

For his part, the Secretary-General of the Organization of the Islamic Conference (OIC), Mr. Hamid Algabid, who has been following this question with great concern, affirmed that this measure represented a grave step backwards for the peace process, created new obstacles to its progress and, equally, constituted a flagrant violation of the agreements reached between the PLO and Israel. The Secretary-General launched an appeal to the international community to encourage the Israeli Government to put an end to these confiscations.

For their part, the Arab Group and the Organization of the Islamic Conference, in statements issued as official documents of the Security Council, have also reacted to this grave situation.

Indeed, the confiscation measures cannot be acceptable to the international community because, in addition to their blatant illegality, they involve a grave attack on the peace process and undermine the trust that should prevail between the Palestinians and the Israelis in their long quest for a just and lasting peace. They also shake the trust that the Arab world had begun to place in this long-awaited process. We therefore have every right to be seriously concerned by these measures, which represent a return to practices that we thought were a thing of the past.

Unfortunately, since the occupation of the Holy City of Al-Quds the Israeli authorities have systematically taken action to modify its status, ignoring many resolutions of the Security Council and of the General Assembly and the rules and principles of international law. In fact, in its resolution 252 (1968) of 21 May 1968, the Security Council considered

> "that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status". *(resolution 252 (1968), para. 2)*

In the same resolution the Security Council urgently called upon Israel

> "to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem". *(ibid., para. 3)*

This status has since then been reaffirmed by other resolutions of the United Nations, all of which have declared null and void the measures taken to change the status of this Holy City, which has symbolic value and spiritual and emotional dimensions not only for the Muslim world but also for the Christian communities and the Jewish world. The confiscation measures constitute an action that not only tends to modify the status of this Holy City but also dangerously creates an enormous doubt in the mind of the Arabs and Muslims, at the very time when they had decided to believe in the miracle of peace in that part of the world.

This is where our greatest concerns reside, because it is not just a question of attacking the rules and resolutions of international legality but, in fact, unfortunately calls into question a spirit and a will that the parties concerned need to display at all times if they are to rid themselves of the already-numerous pitfalls on the path towards the long-awaited and desired peace.

The Washington Declaration of 13 September 1993, welcomed with enormous hope by the international community, specified clearly that the permanent status of the city of Al-Quds was to remain among those questions that would be subject to negotiations scheduled to begin in May 1996. It stated that

> "The two parties agree that the outcome of the permanent status negotiations should not be prejudiced or preempted by agreements reached for the interim period." *(S/26560, annex, p. 5)*

Furthermore, article I of that Declaration clearly states:

> "The aim of the ... negotiations ... is"

the establishment of an Authority

> "leading to a permanent settlement based on Security Council resolutions 242 (1967) and 338 (1973). *(ibid., annex, p. 4)*

In this respect it should be recalled that in its resolution 242 (1967) the Security Council underscored the inadmissibility of the acquisition of territory by force and demanded the withdrawal of Israeli forces from the territories occupied in June 1967, of which we consider the city of Al-Quds to be an integral part. Therefore, at a time when we were expecting that an end would be put to the confiscations of land and to the establishment of settlements, by virtue of the obligations undertaken by the two parties, we saw with great regret that action was continuing to be taken in this area that could call into question the very chances of carrying on with the Palestinian-Israeli peace process.

Aware of the terrible consequences of the confiscation of Palestinian land, His Majesty King Hassan II, in his capacity as Chairman of the Al-Quds Committee and as current President of the Organization of the Islamic Conference, addressed letters to the Heads of State of the members of the Security Council, drawing their attention to the grave dangers involved in these measures and the immense risks they posed to peace and calling on them to act within the Security Council to prompt Israel to revoke its decision. In his letter the King asserted:

> "The measure that Israel has just taken certainly could abort the peace process on the Palestinian front, the more so since that peace is still fragile, could be torpedoed by forces hostile to it, both in Palestine and in Israel, and is blocked on the Syrian and Lebanese fronts, where the process has not yet taken the appropriate direction."

His Majesty the King also indicated:

> "Israel's confiscation of Arab land in Jerusalem for the purpose of establishing settlements is unfortunately a reflection of its tendency to act unilaterally, in addition to the fact that, by acting thus, it is in violation of international law."

Moreover, His Majesty, on 4 May 1995, addressed to Mr. Itzhak Rabin, the Prime Minister of Israel, a letter which I shall now read out:

> "Mr. Prime Minister,
>
> "The confiscation of 53 hectares of Arab land in Jerusalem has had the effect of a bombshell throughout the world and has been the subject of general concern.
>
> "It has hurt us particularly and personally, aware as we are of the gravity of the consequences of this action both for Israel and for all the peoples of the region.
>
> "Patiently standing up to incomprehension and often even hostility, and at the risk of compromising our own position within the Arab nation, we have worked for more than two decades for Judeo-Arab *rapprochement* and for the establishment of the best possible conditions and the best possible atmosphere for the States of the region to live in peace and understanding.
>
> "Other pioneers have joined their efforts to ours in the quest for a just and lasting peace, guaranteeing to each and all the free exercise of and strict respect for their rights.
>
> "The road towards peace has been a long and difficult one, studded with pitfalls. Our common will has made it possible to overcome some of the difficulties and to allow the world to begin to see a glimmer of that peace to which it has aspired for so long.
>
> "Of course, not all the obstacles had been removed, but there were grounds for hope.
>
> "But now the expropriation of Arab land is leading straight to an impasse from which it will be difficult to emerge.
>
> "We have considered your situation in the particular circumstances being experienced by Israel, and the approach of an election is always an important event for a political leader.

"None the less, regardless of your electoral concerns, they cannot legitimize a measure as dangerous and as reprehensible as the expropriation of something that belongs to others.

"We therefore strenuously protest against this measure.

"We do so as much to defend the very interests of peace as to draw your attention to the grave dangers to which this exposes Israel and the immense risks that it poses for a fragile peace which is still seeking the means by which it can be strengthened.

"We address this letter to you in our dual capacity as Chairman of the Organization of the Islamic Conference and Chairman of the Al-Quds Committee."

We are speaking before the Security Council today in the hope that it will make reason prevail and that it will act responsibly in order to prompt Israel to give up its policy of confiscating land in the city of Al-Quds and in the other occupied territories, and that it will put an end to its policy of establishing settlements in these territories.

My delegation hopes that the reasonable appeals made to the Israeli Government will find a favourable echo, because the very success of the Israeli-Palestinian negotiations for the establishment of a just and lasting peace depends on this — a peace to which we have so long aspired — in the framework of a continuing, constructive dialogue carried out in good faith. In this respect we believe that the poll that was published today by the Israeli newspaper *Yediot Aharonot* is an encouraging sign because it reveals that the majority of Israelis have stated their opposition to the recent confiscations in so far as they threaten the peace process.

Morocco, for its part, has been very deeply involved in the peace process and therefore cannot close its eyes to the dangers hanging over this historic task which saw the light of day on 13 September 1993 in Washington. We will spare no effort, in a spirit of dialogue and persuasion, to protect the peace process from any action that could endanger it. We want above all to enable the Arab and Jewish peoples in general to turn the page of the past and look resolutely towards the future, which we hope will be a promising one.

The establishment of diplomatic relations between Arab countries and Israel is a gage of peace. The objectives of the Casablanca conference on the economic development of the Middle East and North Africa are also a gage of confidence in the Israeli will to promote that peace and to ensure a favourable and positive environment for it. Regrettably, the recent measure cannot be viewed as falling in this context. Quite the contrary, it is a step back from the achievements since September 1993. That is why His Majesty the King of Morocco and the Moroccan people are deeply upset by these recent events, which certainly cloud the prospects for peace.

Bearing in mind everything that we have said, we firmly believe that the international community must protect the peace process and encourage the parties to show their good will and a constructive spirit to solve the problems that have been encountered, and thereby arrive at that peace to which we so aspire, a peace based on mutual understanding, cooperation, security, dignity and respect for the legitimate rights of all.

**The President** *(interpretation from French):* I thank the representative of Morocco for the kind words he addressed to me.

The next speaker is the representative of the United Arab Emirates. I invite him to take a place at the Council table and to make his statement.

**Mr. Al-Suwaidi** (United Arab Emirates) *(interpretation from Arabic):* It give me great pleasure on behalf of the delegation of the United Arab Emirates to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. We have full confidence that your expertise and your skills will guarantee the success of the Council's deliberations. That confidence is reinforced by the prominent role that your friendly country, France, is playing in the maintenance of international peace and security.

I also commend your predecessor, the Permanent Representative of the Czech Republic, for the wisdom he showed in conducting the business of the Council's meetings last month.

The Security Council is meeting today to discuss the illegitimate, expansionist measures adopted by the Israeli Government in the territories of occupied Palestine, measures aimed at bringing about radical demographic change and imposing this on the international community and forcing it to deal with such practices as a *fait accompli*, based on force alone. All this is done without

any legal basis and to gain further territory by expropriating Arab land and establishing settlements at the expense of the legitimate rights of the Arab-Palestinian people in their homeland.

The international community considered the Madrid peace conference held in 1991 and the Israeli-Palestinian agreements that followed it to be positive steps towards forcing Israel to halt the confiscation of additional Palestinian land and establish a new climate that would make possible the restoration of the legitimate rights of the Palestinians on the basis of Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace.

Nevertheless, we find today that the Israeli Government has taken a new decision to confiscate nearly 53 hectares of Palestinian land within the eastern part of the city of Al-Quds, thus flouting all its commitments to the principles and the basis of the peace process, and at the same time using empty and unacceptable pretexts in an attempt to justify these violations.

The expropriation by the Israeli Government of this eastern land to establish new settlements is aimed first at uprooting the Arab Palestinian presence, usurping Arab, Islamic and Palestinian rights in holy Al-Quds and imposing a *fait accompli* before negotiations begin on the issue of the city of Al-Quds in accordance with the Palestinian-Israeli peace agreements.

My delegation considers these Israeli measures to be a flagrant violation of all such agreements. They not only have an impact on the Palestinian people and the countries and peoples of the Arab and Islamic world but are also a flagrant challenge to the international community since they are in contradiction with the principles of international law and the Fourth Geneva Convention.

The United Arab Emirates, as current President of the Council of the League of Arab States and because it attaches great importance to the continuation of the peace process and the maintenance of Arab, Islamic and Palestinian rights in holy Al-Quds, expresses to the Council its strong condemnation of these Israeli decisions.

This condemnation is reflected in the statements made by His Excellency El-Sheikh Al-Nahyan, Minister for Foreign Affairs, in which he said that the United Arab Emirates condemns any confiscations by Israel of Palestinian territories in East Jerusalem. He also warned that such practices not only threaten the peace process as a whole, but also strip Israel of its credibility with regard to its commitment to the Declaration of Principles which was signed with the PLO in 1993.

The time has come for Israel to halt its continuous expansionist policies aimed at expropriating more Arab territories, and to halt the building of settlements, particularly in the city of Holy Al-Quds, so that a climate of peace may prevail in the Middle East and so that the feeling of disappointment and failure experienced by the Palestinian people and the peoples of the region may be ended.

The practices of the Government of Israel, its flagrant confiscation of Arab lands and the increase in settlements constitute major obstacles to any tangible progress in international efforts to reach a just, lasting and comprehensive peace settlement in the Middle East.

The Arab group, which recognizes the importance of the success of any settlement in the region, has strongly expressed its collective position, namely, that it rejects and refuses the Israeli decision to confiscate the lands of East Jerusalem. It is clearly stated in the resolutions adopted at the last ministerial meeting of the Council of the League of Arab States, which calls for a collective position at the international level to oppose Israeli violations and to take immediate measures to halt such decisions in accordance with the principles of international law and the Fourth Geneva Convention. On this basis, before this Council, my country calls upon the international community to meet its obligations and calls upon this august Council to consider the following measures. First, there should be an international condemnation of the Government of Israel's decision to confiscate additional Palestinian land in Al-Quds and outside the city, which constitutes a violation of relevant Security Council resolutions, the principles of international law and the Fourth Geneva Convention of 1949. Second, Israel should be obliged to rescind the decision to confiscate Palestinian land in the city of Al-Quds, to end its settlement policies and plans, to dismantle its existing settlements, to stop closing off the city and to end all Israeli excavations which threaten the foundations of the Al-Aqsa holy mosque, in order to guarantee the continuation of the peace process and ensure that its objectives are met on the basis of the relevant resolutions of the Security Council, of the General Assembly and of United Nations Educational, Scientific and Cultural Organization (UNESCO). Third, none of the changes made by Israel, as the occupying Power, to the legal status, demographic structure or

geographical dimensions of the city of Al-Quds should be recognized. Similarly, any Israeli claims that Al-Quds al-Sharif is the eternal capital of Israel should be rejected. Fourth, the Arab and Palestinian presence should be supported, as should their institutions in the city of Holy Al-Quds and international security measures should be taken to protect Arab and Palestinian territories.

The United Arab Emirates hopes that this august Council will adopt the draft resolution before us which provides for appropriate machinery to deal with decisions on settlement and confiscation in the city of Al-Quds because of the religious, historic and political importance of the city, not just to the Arab and islamic world but also to the international community as a whole.

**The President** (*interpretation from French*): I thank the representative of the United Arab Emirates for the kind words he addressed to me.

The next speaker is the representative of Israel, Mr. Yaacobi on whom I now call.

**Mr. Yaacobi** (Israel): At the outset, I should like to congratulate you, Mr. President, on your assumption of the presidency of the Security Council for the month of May. We are certain that your wealth of experience will be of invaluable assistance as you guide the proceedings of this Council. I should also like to congratulate your predecessor, Mr. Karel Kovanda, on skilfully conducting the Council's affairs.

Permit me to say that, even though I disagree with much of what has been said here, I should first like to set the record straight, on the basis of the facts. Unfortunately, the issue has been taken out of context and blown out of proportion.

The recent decision to expropriate, not to confiscate, land for construction in Jerusalem — not for settlements as was said here — is based on our long-standing policy to ensure that development in Jerusalem keeps pace with the changes that are a natural feature of any living city.

Construction and development for all residents have always been regular features of Jerusalem life, and will continue to be in the future. We do not accept the proposition that the natural and continued development of Jerusalem, or any other city, can or should be arrested. It is inconceivable that the people of Jerusalem — Jews and Arabs alike — should be deprived of sufficient schools, roads, housing, workplaces, and so on. Several weeks ago, the Israel Lands Authority published its intention to expropriate 53 hectares of barren land in the Jerusalem municipal area. This is for the purpose of development, including housing for Arab residents. In addition, appeals proceedings regarding 185 hectares in the Jerusalem area, expropriated two years ago, were recently completed.

This is barren land — land that is not being used for housing, agriculture, or any other purpose. Of the total 238 hectares, the majority, namely 63 per cent, are under Jewish ownership, 27.3 per cent are under Arab ownership, and 9.7 per cent are lands for which ownership has not been registered.

More specifically, the breakdown is as follows: in the Har Homa area, 185 hectares are at issue: 139 hectares are under Jewish ownership, 41 hectares are under Arab ownership and there are five hectares for which ownership has not been registered.

With regard to the other areas — the Ramot and Malha-Bet Zaffaffa areas — the Lands Authority has only published its intention to expropriate. The owners have 20 days to present objections to the Authority; should the objections be overruled, the owners have the right to appeal to the Supreme Court. If the expropriation is upheld, the owners will be compensated by the State.

In the Ramot area, 33.5 hectares are at issue, 9 hectares under Jewish ownership, 23 hectares under Arab ownership and 1.5 hectares to which ownership has not been registered.

In the Malha-Bet Zaffaffa area, 20 hectares are at issue, 2.5 hectares under Jewish ownership, 1 hectare under Arab ownership, and 16.5 hectares to which ownership has not been registered. The land to be expropriated has also been designated for the construction of 400 housing units for Arab residents. The needs of a growing, dynamic city will continue to guide us in the future as well.

In the light of statements made earlier in this Chamber, I wish to make some brief remarks on the meaning of Jerusalem to us. Unfortunately, I have heard here some very deceptive statements about the history of our State and the history of United Nations resolutions, including the resolution of 29 November 1947 calling for a Jewish State, the State of Israel, and an Arab State to be established in Palestine, a resolution Israel accepted while the Arabs rejected it and started an overall war to violate the United Nations resolutions.

No one is more sensitive to the meaning of Jerusalem than the Jewish people. Ever since King David established it as our capital 3000 years ago Jerusalem has been the essence of our nationhood. Jerusalem was never ever the capital of any other people. The Caliphs ruled it for centuries, but they never made it their capital, nor did the Mamelukes and the Ottomans. When the sites of many of today's great capitals were only fields of passage for nomads and herds, Jerusalem was already our capital. Even then, it was the object of pilgrimage for our people three times a year. Our kings ruled from its palaces, our priests served God in its Temple, our prophets preached justice in its streets. Even then, before many of the nations on this Earth were born, Jerusalem was the national, political, cultural, religious and spiritual centre of the Jewish people.

The Jewish presence in the city began 3000 years ago and has lasted, unbroken, to this very day. Even under foreign domination and persecution we maintained a significant and vital presence in Jerusalem. Thus, since the second half of the nineteenth century Jews have constituted the majority of the city's inhabitants.

For Jews living in exile for 2000 years the centrality of Jerusalem sustained us as a people and gave us the hope to carry on through the darkest days. The words "Next year in Jerusalem" were always on the lips and in the hearts of Jews. It is the prayer of every child born to the Jewish people in every age and in every place — in New York, Moscow, Buenos Aires, London, Paris, Rome, Prague, Rabat, Cairo and Jerusalem.

We are sensitive to the importance of Jerusalem to Christians and Moslems, and we are proud that since 1967, for the first time, Jerusalem is open to pilgrims and worshippers of all religions and that each faith freely administers its own holy sites.

The centrality of Jerusalem in the soul of the Jewish people is the essence of our nationhood. We have expressed this in many ways. Our psalmists have praised it in songs of ascent and mourned its destruction in songs of lamentation. A hundred years ago the Jewish people found inspiration in a new song, but one with an ancient theme. I shall quote just a few lines of this song:

> "Then our hope is not yet lost,
> The hope of 2000 years:
> To be a free people in our land,
> The land of Zion and Jerusalem."

This old-new song is the national anthem of the State of Israel, "*Hatikva*", "The Hope."

Speaking in Washington, D.C., last Sunday, Prime Minister Yitzhak Rabin said:

> "The policy of all the Governments of Israel was and is: Jerusalem is united under Israel's sovereignty, the capital of Israel and the heart of the Jewish people for ever."

And he has emphasized on repeated occasions:

> "We have always promised and ensured freedom of worship for all religions and free access to all holy places."

There is no contradiction between this policy and bilateral agreements Israel has signed, including the Declaration of Principles with the PLO.

In the Declaration of Principles Israel and the PLO agreed that issues relating to the permanent status will be negotiated by the parties themselves at a later stage, and we are committed to this agreement. Moreover, there is no contradiction between the peace process and continued development in Jerusalem for the benefit of all its residents, both Jewish and Arab, and if one looks at the Declaration of Principles one will find no reference to any prohibition of development activity in Jerusalem.

If the leadership of the PLO feels otherwise, then the matter should be appropriately addressed in the framework of the bilateral negotiations. Indeed, Israel and the PLO agreed that differences and disputes arising out of the application or the interpretation of the agreements should be settled between the parties themselves according to an agreed process. This is detailed in article 15 of the Declaration of Principles as well as in article 17 of the Agreement on the Gaza Strip and the Jericho Area.

Accordingly, we believe that any attempts to address this issue outside the agreed-upon framework stands in contradiction to the letter and spirit of the agreements signed by Israel and the PLO and to the principles of the peace process. We therefore call upon the members of the Security Council not to take any action on this matter.

Continued progress towards peace should be the main concern of all parties. We all must travel the road to peace with determination. Let all give it the highest

priority, especially because the road is so difficult and the obstacles are so many.

The Middle East has come a long way in the past years: the agreements between Israel and the PLO, the implementation of the first stage despite the continuous terrorism waged by the enemies of peace and by others, the Israel-Jordan peace treaty, the establishment of working relations between Israel and other countries of the Middle East and North Africa, the basis for regional economic cooperation that has been laid by the Casablanca Conference and the multilateral negotiations.

Now we have to continue building on this foundation, to do our utmost so that a comprehensive peace may be achieved. This is our conviction, our commitment and our hope.

**The President** *(interpretation from French):* I thank the representative of Israel for his kind words addressed to me.

**Mr. Al-Khussaiby** (Oman): Mr. President, allow me at the outset to take this opportunity to extend to you my sincere congratulations on your assumption of the presidency of the Council during the current month of May, and to express our confidence that your competence and diplomatic skills will guide the deliberations of the Council to a successful conclusion. I would also like to pay special tribute to your predecessor, Ambassador Karel Kovanda, the Permanent Representative of the Czech Republic, for the exemplary manner in which he steered the work of the Council during the month of April.

The Security Council is fully aware of the aspirations of the Arab people towards achieving peace in the Middle East, and of ending all the remains of walls and of hatred towards Israel, which have prevailed for the past forty years. The Arab States, led by the PLO, emphasized the need for the convening of the Madrid Peace Conference, which was chaired by the two super-Powers, the United States and the Russian Federation. The Conference was followed by serious and positive negotiations at all the bilateral and multilateral levels. In spite of all the political and social dangers which have encompassed the outcome of these negotiations, the Arabs were quite responsible in their dealing with these negotiations. The Arab leadership, however, was steadfast in its observance of the international legitimacy and the vital role of the international and regional gatherings led by the United Nations and its various organizations which have supported the peace process.

The political decision of the United States to engage in negotiations with Israel was a strategic one, based on resolution 242 (1967) and 338 (1973), as well as on the principle of land for peace. The decision of the Government of Israel to engage in negotiations with the PLO and the signing of the Declaration of Principles by the two parties have strengthened confidence-building in the peace process. The Jordanian-Israeli Peace Treaty has further enhanced confidence for the future of peace.

However, the expropriation of 53 hectares of Arab land by Israel in east Jerusalem, with no legal backing, constitutes a violation of the agreement by the parties, in which it was decided that consideration of the question of east Jerusalem be postponed until the end of the negotiations in view of its extreme sensitivity to the Arabs and Muslims as regards the question of Al-Quds. This action has overshadowed the future of the negotiations between the Arabs and the Israelis, and it has also an adverse effect on the normalization of relations between the two parties. Consequently, the future of peace is at stake.

Acting upon their responsibilities towards the Arab-Israeli negotiations and the future of peace, the Arab States have decided to request the convening of this Security Council meeting, on the basis of the fact that this body is the world's sole international authority responsible for peace-keeping. The request of the Arab States for the convening of this meeting is based on their urgent need to safeguard the peace process, and to distance it from any political manoeuvres which would jeopardize any peace process in the Middle East, and might lead to the return of the cold war.

We do believe that the Security Council must seriously consider the draft resolution before us — not in order to complicate this matter, but rather to safeguard the peace process itself. We would like to emphasize that the first step the Council should take is to render Israel's decision to expropriate Arab territories, including Al-Quds, as null and void. Such a decision will renew the Arabs' confidence in the peace process. And will enable the two chairmen of the peace process in the Middle East, the United States and the Russian Federation, to invite all parties concerned to undertake more negotiations on this matter.

We strongly believe that Israel does not possess any legal instrument which would grant it the right to expropriate Arab territories or allow it to make use of any portion of occupied territory. It is not acceptable. In

order to maintain its future relations with Arab States, it is in Israel's interest to cooperate with other parties, especially with the patrons of the peace process, in overcoming this dilemma, which we regard as a stumbling-block to the peace process. We therefore call on Israel to expedite all efforts to prevent further complications in the Middle East.

**The President** (*interpretation from French*): I thank the representative of Oman for his kind words addressed to me.

**Mr. Wang Xuexian** (China): The Middle East conflict has been going on for several decades, during which war has broken out many times, bringing tremendous suffering to the people in the region. In the wake of changes in the international situation, the PLO and Israel finally signed the Declaration of Principles in September 1993, which marked a breakthrough in the Middle East peace process and opened up the way for harmonious coexistence between the Arab and Jewish nations. Since then, there have been more positive developments in the peace process. China, like the international community as a whole, is greatly encouraged by this fact.

However, the Middle East peace process is still fragile and is full of pitfalls, interference and challenges. Recently, the dispute between the parties concerned with regard to the question of Jerusalem has again intensified. The Chinese delegation is deeply concerned over this development. The realization of peace in the Middle East region is the common aspiration of all nations in the area. The achievements of the peace process have not been come by easily. At this highly sensitive and critical moment, we hope that the parties concerned will do their utmost to create favourable conditions to further promote, rather than undermine, the peace process in the Middle East.

The question of Jerusalem involves religious faith as well as the fundamental interests of all nations in the Middle East, and should be treated with prudence. In our view, the recent action by Israel contravenes the spirit of relevant United Nations resolutions and the agreement between Israel and Palestine, and is detrimental to the Middle East peace process. It is hoped that the Israeli side will abide by relevant United Nations resolutions and the agreement with the Palestinian side, and will seek a proper solution through negotiations and dialogue. Pending a final, proper solution, neither side should take any unilateral action that might change the status of Jerusalem or lead to the aggravation of the situation, lest the Middle East peace process be adversely affected.

Reviewing the past on the occasion of the commemoration of the fiftieth anniversary of the end of the Second World War, we are well aware how precious peace is. The political will of the leaders of the two sides for a peaceful solution is needed now more than ever before in order to build mutual trust and jointly overcome obstacles. They should base their actions on whether or not those actions would contribute to the Middle East peace process. Only in this way can contradictions and difficulties be defused and the ship of peace sail to victory.

China has no self-interests whatsoever in the Middle East. We have all along supported the Middle East peace process and have stood for a political settlement of the Middle East question on the basis of the relevant resolutions of the United Nations. We wish to see people of all nations in the region living in peace, stability, good-neighbourliness and amity at an early date, and hope that the actions taken by the international community will also help achieve this objective.

**Sir David Hannay** (United Kingdom): May I congratulate you, Sir, on your assumption for the fourth time of the presidency of the Council; it is a pleasure to see you in the Chair. I thank the Permanent Representative of the Czech Republic for his very splendid performance last month.

My Government's views will be reflected in the statement to be made later in this debate by you yourself, Sir, speaking on behalf of the members of the European Union. I would like simply to make a few additional and complementary remarks.

The British Government regrets that the problems caused by Israel's settlements policy have arisen again less than three months since the last time the Council discussed the subject. On that occasion, we reiterated our position that settlements in the occupied territories, including East Jerusalem, are illegal, contravene the Fourth Geneva Convention and are an obstacle to peace. That remains our view.

Our concerns about the latest decision to expropriate 131 acres of land in East Jerusalem have been raised with the Israeli authorities by European Union representatives in Tel Aviv. We consider that the decision is contrary to Security Council resolutions and in particular to

resolution 267 (1969), which was adopted unanimously on 3 July 1969 and confirmed that

> "... all legislative and administrative measures ... taken by Israel which purport to alter the status of Jerusalem, including expropriation of land and properties thereon, are invalid ..." (*resolution 267 (1969), para. 4*)

and called upon Israel to refrain from taking any further such measures in the future.

But we also consider that the decision is contrary to the spirit of the Declaration of Principles agreed by Israel and the PLO in 1993, which reserves the issues of settlements and Jerusalem for the final status negotiations. This decision in a sense prejudges the outcome of those negotiations.

If it pursues this course of action, the Government of Israel would, we believe, undermine the peace process and play into the hands of those who oppose it. We therefore strongly urge Israel to reconsider its decision. We also encourage both parties to press on with the negotiations on an interim agreement in a flexible and constructive manner, leaving to one side, for the time being, highly sensitive final-status issues.

The further we get into the implementation of the Declaration of Principles, the more crucial it is to carry that process to a successful conclusion and the greater the need to avoid any action which could prejudice or undermine it. It is in that spirit that we are speaking today, and in that spirit that we will continue to address this item on our agenda.

**The President** (*interpretation from French*): I thank the representative of the United Kingdom for the kind words he addressed to me.

**Mr. Lavrov** (Russian Federation) *(interpretation from Russian)*: The Russian Federation notes with regret that the item on the situation in the occupied Arab territories is before the Security Council for its consideration now for the second time this year.

We are disturbed that once again the Middle East peace process has run into difficulties that have prompted the Palestinians, with the support of the League of Arab States and the Islamic Group at the United Nations, to request the Security Council to consider the Israeli Government's decision to confiscate Palestinian lands in the area of East Jerusalem. Russia was one of the delegations that supported that request during the Council's informal consultations. My country's position on this matter was clearly set out in a statement of 6 May 1995 from the Ministry of Foreign Affairs.

As a sponsor of the Middle East peace process and as a State that on 13 September 1993 signed, as a witness, the Israeli-Palestinian Declaration of Principles, Russia has consistently tried to do its utmost to promote the implementation of the provisions of the Declaration and to promote progress in Palestinian-Israeli negotiations on introducing Palestinian self-rule in Gaza and the West Bank.

As is well known, the Declaration provides that the future of Jerusalem is to be the subject of future negotiations on the final status of the Palestinian territories. Until then, any action to alter the status quo in Jerusalem can be viewed only as contravening the spirit of the Palestinian-Israeli agreements and of the peace process as a whole.

The Russian delegation hopes that the Israeli authorities will deem it possible and appropriate, given the current crucial and very sensitive stage of the negotiating process in the Middle East, to reconsider its view on the issue of confiscating Palestinian lands in Jerusalem. It is our understanding that the necessary legal machinery for this does indeed exist. This would be no more than consonant with the goal of establishing lasting peace and good-neighbourliness between Arabs and Israelis, as defined at the Madrid peace conference and in subsequent Arab-Israeli agreements.

Experience shows that problems in the peace process cannot be solved by unilateral actions affecting sensitive aspects of the Arab-Israeli conflict. The only reliable way is to take timely and effective steps to maintain the momentum of the peace process and ensure that it makes progress. It is important to avoid at all cost both actions and public statements that could undermine the climate of businesslike cooperation between the parties.

The international community must continue to lend its full support to the parties in their efforts, without, of course, thereby replacing direct, bilateral talks. As a sponsor of the Middle East peace process, Russia will continue energetically promoting the establishment of a comprehensive, lasting peace in the Middle East, and the inception of broad international cooperation there.

**Mr. Wisnumurti** (Indonesia): It was just three months ago, in February, that the Council was convened to discuss the same issue we are now addressing, namely, that of settlements in the territories occupied by Israel since 1967. It was precisely because of the lack of progress in this regard that my delegation strongly supported the request for this meeting of the Security Council, as called for by the League of Arab States, the Islamic Group and the Arab Group in response to the latest decision by the Israeli Government to confiscate 53 hectares of Palestinian land situated in the area of East Jerusalem and its announcement that the land is to be allocated for the purpose of continuing to build Israeli settlements.

It is against this backdrop that my delegation wishes to stress the need for the Security Council to undertake a thorough consideration of the matter and to take urgent actions on it. In our view, the decision of the Government of Israel to confiscate Palestinian land in the city of Jerusalem and the establishment of settlements on those lands pose great dangers and may well jeopardize the whole Middle East peace process. Such untenable policies and practices by the Israeli Government could very well induce the utilization of drastic measures by certain groups, which would further exacerbate the already tense situation.

My delegation therefore strongly condemns this decision by Israel, which is clearly in flagrant violation of the Fourth Geneva Convention of 1949, United Nations resolutions declaring the settlements illegal and other relevant Security Council resolutions, as well as of the Declaration of Principles on Interim Self-Government Arrangements signed on 13 September 1993 by the Government of Israel and the Palestine Liberation Organization. Moreover, it is also in contradiction to the norms of international conduct, the United Nations Charter and the precepts and principles of international law.

Contrary to what the Government of Israel promised in 1993 — that the future of Jerusalem would be negotiated with the Palestinian leaders — we are witnessing actions on the part of Israel which are far from this. We are deeply concerned by the present activities, which represent the first substantial land seizure since that promise was made. In this regard, while we note some encouraging developments which have taken place in the search for a peaceful settlement to the question of Palestine in the context of a comprehensive Middle East peace process, my delegation cannot refrain from emphasizing once again that the issue of settlements in the occupied territories has a profound bearing on the peace process.

In this context, we would like to reiterate that it is the responsibility of the international community, and specifically of the Security Council, to take the necessary steps to put an end to these violations and to repudiate the Israeli confiscation orders, thus preventing any action which could jeopardize the negotiations on a final settlement of the Palestinian-Israeli conflict.

My delegation therefore calls upon the Government of Israel immediately to revoke its confiscation orders and arrangements affecting Palestinian land in the city of Jerusalem and to commence the effective dismantling of the Israeli settlements in all the occupied Palestinian territories, including Jerusalem. This is indispensable to sustain the positive achievements of the past. Therefore, we urge all parties to continue their efforts to consolidate the peace process and to refrain from any action incompatible with the requirements of the agreed upon accords.

**Mr. Gnehm** (United States of America): The peoples of the Middle East deserve peace. They have longed for it, they have died for it and, in the past few years we have seen them live for it. The current generation of political leaders in the region has made the courageous choice to abandon the rhetoric and policies of conflict and to embrace peace as a strategic choice — to embrace peace as an ideal and as a way of life.

It is most unfortunate but a truth that this peace process remains fragile, beset by enemies and filled with dilemmas that test the wisdom and the courage of the region's leaders. It is incumbent upon all of us, whether debating in this room or actively participating in the peace process, to do nothing that might damage that process. All parties must remember that words and actions can have consequences well beyond those intended.

In regard to the Israeli notice to expropriate land in the Jerusalem area, my Government has publicly stated that this is not particularly helpful to the peace process. Indeed, it is difficult to see how such actions promote the peace process.

Having said that, we do not believe that this is the appropriate forum for dealing with this issue, which is for the parties to this dispute to address. Indeed, Israel and the Palestinians have demonstrated their abilities to contend with and resolve difficult issues in the search for peace. I would note that the Council and the General Assembly have registered their satisfaction several times

with the notable achievements made by the parties to the Middle East conflict since the Madrid process commenced in 1991.

We should consider just what the parties to the dispute have accomplished so far: the Declaration of Principles between the Government of Israel and the Palestine Liberation Organization of 13 September 1993; the Agreement on the Gaza Strip and Jericho Area of 4 May 1994; the 29 August 1994 Agreement on Preparatory Transfer of Powers and Responsibilities; the 14 September 1993 Agreement between Israel and Jordan on the Common Agenda; the Washington Declaration signed by Israel and Jordan on 25 July 1994; and the Jordan-Israel Treaty of Peace of 26 October 1994. Each of these extraordinary steps on the path towards a just, lasting and comprehensive peace required dedication, imagination and courage on the part of the parties.

The position of my Government is well known: Israel and the Palestinians are committed to achieving peace and reconciliation through an agreed political process. They have agreed in their wisdom to cover certain areas during permanent status negotiations at a later point. We wholeheartedly support this approach. It has enabled Palestinians and Israelis to negotiate their differences and to make progress undreamed of only four years ago.

Israel and the Palestinians are currently engaged in important negotiations to implement the next stage of the Declaration of Principles. Debate in this Council on issues which are for the parties to address will only distract attention from their efforts and have a negative impact on the process. None of us, I am sure, wants to see that happen. It is therefore incumbent upon us that we not undercut the peace process with a divisive debate or hasty action. Instead, we must act in a manner that encourages the parties in their search for reconciliation and by doing this nurtures the peace process.

The matter before us today pertains to a specific issue, not to every issue in Jerusalem. Although the Palestinian Observer noted correctly the position of my Government with regard to legislation before Congress, I regret that he brought into this debate an issue internal to United States decision-making and that he did so in a threatening and distorted manner.

**Mr. Gambari** (Nigeria): For the second time in less than three months, the Security Council is deliberating the situation in the Middle East at a particularly crucial and delicate time in the peace process, when it seems that the parties to the Middle East conflict are beginning to lose faith in the negotiating frameworks to which they have agreed since the signing of the Declaration of Principles on 13 September 1993. That is why my delegation welcomes the opportunity of this debate to remind the parties — both of them — that there is no alternative to a peaceful and negotiated settlement of the Israeli-Palestinian question in accordance with resolutions 242 (1967) and 338 (1973) and in particular with the agreements which they themselves have signed. It is also an appropriate and timely occasion to renew our support for the Middle East peace process and its achievements.

During the past two years, we have witnessed historic progress, unimaginable only a few years back, in the efforts to achieve a just, comprehensive and lasting peace in the Middle East, starting with the Madrid initiative of October 1991. My Government welcomed the historic signing in Washington of the Declaration of Principles on Interim Self-Government Arrangements between the Government of Israel and the Palestine Liberation Organization (PLO) in 1993, and we expressed the hope that the agreement would pave the way for more substantive transformations in the Middle East.

Ever since, our hopes have generally been confirmed and were certainly not misplaced. Important steps that followed in 1994 included the Gaza-Jericho agreement of May and the Agreement on Preparatory Transfer of Powers and Responsibilities in August, both of which have made possible the establishment of the Palestinian Authority. That Authority is a crucially important first step in the fulfilment of the historic aspirations of the Palestinian people for self-determination and nationhood.

Furthermore, on 26 October 1994, another historic peace treaty, between Israel and Jordan, was signed. Besides opening a new phase in bilateral relations between the two countries, this treaty also put the whole region on the threshold of peace by enhancing the possibilities for progress in the Israeli-Lebanon and Israeli-Syrian tracks of the peace process.

The international community has never been under any illusion that the peace process was going to be hitch-free, given the long history of hostility, antagonism and mistrust between the parties to the conflict. None the less, we have remained confident that the momentum for peace that has been generated will never be allowed to slip away. In this connection, the entire international

community must continue to assist the parties, encourage them and nudge them in the right direction in times of difficulty to ensure that they do not lose sight of the larger interest and goal of a just and lasting peace in the region. That is why my delegation, during the debate on this question in February, commended the vision, courage and determination of the leaderships of Israel, the PLO and of the other States in the region that have maintained their commitment to peace regardless of the bombings and terrorist acts that seemed to have been precisely timed and aimed at derailing the peace process.

The Declaration of Principles signed in Washington on 13 September 1993 and the Gaza-Jericho agreement, together with resolutions 242 (1967) and 338 (1973), set out, *inter alia,* a clear timetable for the negotiations towards the permanent status of Palestine. They also contain obligations on both sides and set out the rules and modes of behaviour that should guide all parties in the course of the process. It is for this reason that, in February, my delegation expressed grave concern over the continued building of new settlements in the West Bank. We believe that such settlement activities are illegal, that they contravene the Fourth Geneva Convention and that they represent a clear obstacle to an overall peace that could be exploited by radical groups on both sides of the divide to undermine the spirit of the peace process and reverse the progress that has so far been achieved.

It is therefore a matter of regret that Israel has continued with this unfortunate policy by its recent decision to expropriate 53 hectares of land situated in the East Jerusalem area. We cannot support this act, which we believe is capable of undermining the faith of one party in the true intentions of the other and may well play straight into the hands of extremists on both sides — i.e., those who are entirely set against the peace process. It is in this regard that my delegation will call upon Israel to rescind its decision on land expropriation and make the necessary and difficult compromises with the Palestinians in order to accelerate the implementation of relevant agreements.

We are of course not unaware of Israel's legitimate security concerns and the pressure of Israeli public opinion on its Government to do something to reassure the population. However, we find it difficult to see how land confiscation can be regarded as the best way to respond to those legitimate concerns. We call on the Palestinian Authority, for its part, to do all it can within its area of competence to combat any and all acts of terrorism.

**Mr. Cárdenas** (Argentina) *(interpretation from Spanish):* The Security Council is once again considering the situation in the occupied Arab territories at the request of the League of Arab States and more particularly of Palestine, this time as the result of a decision taken by the Israeli authorities to confiscate or expropriate lands in East Jerusalem.

The Arab-Israeli conflict which we are considering — and which is almost as old as the United Nations itself — has entered, since the process began in Madrid in 1991 and thanks to the courage and wisdom of the parties and to the good offices of the United States and the Russian Federation, the positive framework of the peaceful settlement of disputes, in what has come to be called, specifically, "the peace process".

This process moved forward when, in a significant and vital step on 13 September 1993, the Government of Israel and the Palestine Liberation Organization signed the Declaration of Principles on Interim Self-Government Arrangements.

A few months ago, that peace process was once again enriched by a significant event — the signing of the peace treaty between the Hashemite Kingdom of Jordan and the State of Israel.

The peace process is the negotiating framework that the international community must help to preserve so that all the parties to this conflict can continue to move forward in the quest to meet the aspirations of their peoples and, in this case, more specifically, those of the people of Israel and the Palestinian people.

The Republic of Argentina, whose traditionally friendly relations with all the peoples of that region has been further deepened by the long-standing contribution of immigration from the area, strongly supports the peace process, whose objective it is to arrive at a permanent solution based on resolutions 242 (1967) and 338 (1973).

For all those reasons, the Republic of Argentina considers that the latest measure taken recently by Israel to confiscate or expropriate lands in East Jerusalem is not in keeping with the spirit of the peace process now under way, including the Declaration of Principles. Furthermore, we feel, not without concern, that the implementation of this decision is likely to put the important achievements made thus far into jeopardy. The Republic of Argentina, therefore, in the broadest spirit of friendship, urges the Israeli authorities, as a matter of

due responsibility and prudence, to repeal or suspend this measure, in order to avoid any *faits accomplis* that, by their nature would have an adverse impact on the peace process at a time when it is vital to maintain enough credibility to deepen it.

Now is a time to bolster hope and keep the dream alive. And we should not forget that in diplomacy there is no substitute for trust.

In conclusion, the Republic of Argentina once again expresses its complete support for the peace efforts which are under way. Only success in those efforts will make it possible for the parties involved to live in peace and cooperation. It is with this conviction that we are making our appeal today.

**Mr. Legwaila** (Botswana): On 31 January this year, the Group of Arab States brought to the attention of the Council a decision by Israel to pursue its controversial settlements policy in the occupied territories. In February, the Council held a formal meeting which deliberated on this vexing issue. On that occasion, my delegation expressed its full support for the concerted efforts of the Israeli and Palestinian people in the search for durable peace. Our position remains unchanged.

It is a matter of profound regret that the Security Council should be meeting again on the same subject within a space of two months. In his statement before the Council on 28 February, the representative of Israel said, among other things, that the PLO's decision to initiate a debate on this matter in the Security Council was "in contradiction of the agreements it signed with Israel" *(S/PV.3505, p.8)*, especially article XV of the Declaration of Principles and article XVII of the Gaza-Jericho Agreement. He further stated:

> "The Government stopped allocating public resources to support the extension of existing settlements. No land has been or will be confiscated to establish new settlements" *(ibid., p. 8)*.

Unfortunately, the truth is now self-evident.

My delegation has, since its adoption by the two parties to the Israeli-Palestinian conflict, considered the Declaration of Principles as a major breakthrough and an important milestone on the road to peace. However, the Declaration of Principles cannot by any stretch of the imagination render irrelevant Security Council resolutions concerning the illegality of the settlements and the applicability of the Fourth Geneva Convention of 1949 to the territory occupied by Israel.

The decision of the Government of Israel to expropriate 53 hectares of land in East Jerusalem is therefore highly regrettable. It gravely undermines the peace process and significantly weakens the position of its partner, the Palestinian Authority, in the peace process. The Israeli settlements policy will only serve to embolden the enemies of the peace process, the men of violence whose instruments of negotiation are the gun, the hand-grenade and worse. In an article entitled "The Privatization of Peace" published in the Advertising Supplement to *The New York Times* of Saturday, 6 May 1995, the Foreign Minister of Israel, Mr. Shimon Peres, stated that fundamentalism

> "is the greatest danger to world peace and economic welfare — the greatest menace since the fall of communism. Were fundamentalism to take control of the Middle East, it would suffocate it in the name of God and maintain poverty and stagnation".

My delegation agrees fully with this position and cannot but reach the same conclusion *vis-à-vis* the continuing proliferation of settlements in areas which are on the agenda of the very difficult and delicate negotiations between Israel and the Palestinians. It is of the utmost importance that Israel should do everything possible to avoid creating conditions that could have a deleterious effect on the atmosphere of mutual confidence and trust which has been critical to the peace process and has proved vital to its sustenance. It would be a tragedy if Israel and the PLO were to lose the political and diplomatic peace initiatives to the enemies of the peace process.

The peace process is at a critical stage. The parties should rely on each other's fortitude and determination to remain committed to negotiations in good faith even in the face of continuous and often murderous sniping by their detractors and their fellow-travellers. This is not the time for unilateral decisions. This is not the time to pollute the peace process with controversy over settlements. Fortunately, Israel still has an opportunity to rescind the decision.

My delegation is fully aware of the strong views of some, including the Government of Israel, who hold that this issue should not be discussed in the Security Council since it involves complex and sensitive negotiations. As argued by Israel, it runs counter to article XV of the

Declaration of Principles and article XVII of the Gaza-Jericho Agreement. We are acutely sensitive to such views. Nevertheless, it is unacceptable that one of the parties to the Israeli-Palestinian negotiations should take decisions or actions which have the effect of disparaging the negotiations. In the circumstances, the Security Council is compelled to pronounce itself one way or the other, however delicate the question. The Council is duty-bound to call upon the Government of Israel to rescind its decision to expropriate the 53 hectares of disputed land in East Jerusalem and to treat the Israeli-Palestinian peace process with more sensitivity and care. We must act to preserve the integrity of the agreements signed by the two parties, Israel and the PLO: no more, no less.

**Mr. Martínez Blanco** (Honduras) *(interpretation from Spanish):* My delegation has always felt that the success of the peace process in the Middle East depends to a great extent on compliance with the commitments agreed by the parties and on guaranteeing the legitimate rights of the Palestinian people. There have been many achievements since the Madrid Peace Conference three years ago. That event, together with the signing of the Declaration of Principles between the Palestine Liberation Organization and Israel and the historic meeting in Washington in September 1993, were factors that made it possible for the parties to recognize each other and for the Middle East region to enter into a new stage, which the international community welcomed as an encouraging sign in that negotiation and respect for the norms and principles of international law would replace the tension and the violence that for so long had afflicted the peoples of the region. With the initiation of this new era in the relations between Palestinians and Israelis it was hoped that those practices that might mean a return to the past or that might obstruct the transition to the negotiation of a definitive agreement would be abandoned. Unfortunately, at the present time the peace process is confronted by problems that are the result of practices that could frustrate any possibility of success in the negotiations.

Jerusalem, as we all know, remains a central issue, not only for the Palestinians, Arabs and Muslims, but also for Israelis the world over. East Jerusalem is a religious, cultural, economic and political centre for the Palestinian people. It is an important part of their life, and therefore a territory where they legitimately can and should exercise their rights freely. To try to take sovereign action over all Jerusalem simply shows a lack of realism and can only lead to obstructing the possibility of completely changing the present situation into one of true peace.

This is why my delegation, as other permanent representatives have stated, considers unacceptable the confiscation, by the Israeli Government, of Palestinian lands in the city of Jerusalem. Those acts violate international law, the relevant resolutions of this Council and the Fourth Geneva Convention of 1949, and in our view, could also affect the resolution of other sensitive matters in the negotiating process, such as the question of the settlements or the recognition of sovereignty.

My delegation believes that the peace process must be preserved. Therefore, we are of the view that the Government of Israel must respect its international commitments and that, as occupying Power and party to the negotiations, it must refrain from imposing limitations on the Palestinian people's exercise of its rights.

Lastly, my delegation believes that recognition of the rights of the Palestinian people is a necessary condition for attaining the objective of a lasting peace in the Middle East, and that, in the negotiations towards a peace, it is essential for there to be continuous progress and for inflexible or discouraging attitudes to be avoided at all costs.

**The President** *(interpretation from French):* I shall now make a statement in my capacity as representative of France; I have the honour of speaking on behalf of the European Union. Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia have asked to associate themselves with this statement.

The decision by the Israeli authorities to expropriate 53 hectares of land in East Jerusalem, Beit Hanina and Beit Safafa, land that would be used for the construction of new housing for the Ramot and Gilo settlements, is of grave concern to the European Union. Indeed, this step, which is causing considerable commotion both within the Arab world and outside it, is contrary to the spirit of the Declaration of Principles signed by Israel and the Palestine Liberation Organization on 13 September 1993 and is likely to jeopardize the peace process. Certain statements attributed to the Israeli Minister for Housing announcing new expropriations in the months to come are strengthening our feeling of disquiet.

The European Union has listened carefully to the explanations given to it by the Israeli authorities, particularly during a *démarche* on Sunday, 7 May by the European troika. Unfortunately, the Union notes that the information given it is not such as to change the description of the decision by the Israeli Government; the

decision is for expropriations, i.e., an act whereby the public authority demonstrates in all its strength the sovereignty that it claims. In this way, the Israeli authorities seem to be reaffirming their de facto hold on Jerusalem and are blatantly modifying the status quo in that city, whereas the spirit of the Declaration of Principles is to maintain the situation as it stands so long as negotiations on the final settlement have not been concluded. Everyone knows the extreme sensitivity of the question of Jerusalem. Everyone recalls that the annexation of Jerusalem was condemned by the international community and has still not been acknowledged. The process of building peace assumes that Israel, whose population also sets great store by that city, takes those factors into account.

The reason given to justify these expropriations is of just as much concern to us. The European Union has repeated many times that the settlements, which are illegal under international law and particularly under the Fourth Geneva Convention, jeopardize the establishment of a foundation for lasting, peaceful coexistence between Israelis and Palestinians. The European Union told the Israeli authorities so again during a *démarche* on 4 January last. That point was repeated just recently during the formal meeting of the Security Council on this item on 28 February last. In fact, the expropriations that were announced were designed to develop such settlements. This is a regrettable decision, because a total stoppage of work on new settlements is absolutely essential for progress in the peace process.

For those reasons, we feel that it is legitimate to demand the withdrawal of the expropriation measures. The European Union calls on the Government of Israel to reverse its decision and to refrain in future from taking new measures of this type.

It is unfortunate that this question, despite the efforts of the States most interested in building a lasting peace in the Middle East, could not be resolved by direct dialogue between the parties. It is a pity that the matter had to be brought before the Security Council. But could it have been otherwise? The parties have agreed that certain items should be dealt with during the discussions on the final settlement. That does not mean in any sense that international law no longer applies to those issues. Neither does it mean that the serious developments that affect them should not be brought up by the international community. The peace process, which is based, *inter alia*, on Security Council resolutions, is part of a long history that it is trying to transcend. It cannot, however, erase it, for a lasting peace can be built only through respecting what the other side deems essential.

Major milestones lie ahead. The Government of Israel has just announced promising decisions, in particular concerning the release of prisoners and the transfer of authority. The negotiators are working on concluding, before 1 July, an agreement on elections and redeploying the army. That is why the European Union, which is more than ever determined to support the peace process, calls upon the parties not to give up in the face of the obstacles that remain, but rather to give absolute priority to the success of their common endeavour, which merits the full support of the entire international community.

I now resume my function as President of the Security Council.

**Mr. Elaraby** (Egypt) *(interpretation from Arabic)*: Mr. President, I take pleasure in conveying to you at the outset my congratulations on your accession to the presidency of the Security Council during the month of May. I am sure that, under your presidency, and with your long experience as a diplomat, the Council will be able to discharge its responsibilities for the maintenance of international peace and security. I should also like to thank most sincerely Ambassador Kovanda of the Czech Republic for discharging his responsibility as President of the Security Council last month with such great wisdom.

Only a few years ago the achievement of a just and lasting peace in the Middle East was but a distant dream. Today, after the historic reconciliation between Palestine and Israel, that dream has come closer to realization. However, in order for it to come true all parties must honour their international commitments.

No one can doubt that the steps taken by Israel to expropriate occupied Arab territories in Jerusalem for the purpose of establishing settlements are a flagrant violation of international law, of Security Council resolutions and of commitments undertaken by the Israeli Government itself. These steps give rise to serious doubts about Israel's intentions and its credibility. Moreover, they threaten the peace process because they cut the ground from under those who believe in negotiation as the way to achieve a settlement of the Arab-Israeli conflict, while also lending strength to the proponents of extremism, violence and terrorism on both sides.

Consequently, the Security Council must consider these measures a source of destabilization in the region and a threat to international peace and security. We are certain that the Council will be able to consider all aspects of this issue, taking into account its long-term repercussions, which might lead to the triumph of the logic of violence and confrontation over the logic of peace and cooperation.

On more than one occasion the international community has vigorously opposed the various illegal Israeli attempts to annex East Jerusalem by altering its legal status or its geographic and demographic character. All these actions run counter to international law, especially the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.

Ever since the very first steps taken by Israel to annex the city of Jerusalem, the General Assembly and the Security Council have adopted various resolutions condemning the Israeli actions and decisions, pronouncing them null and void and without any effect on the legal status of the city, an integral part of the territories occupied by Israel in 1967.

The Security Council adopted numerous resolutions on the subject, including resolution 252 (1968), 271 (1969), 476 (1980), 478 (1980) and 672 (1990), all of which demand that Israel, as the occupying Power, fulfil its commitments under international law and the provisions of the Geneva Convention and ask that it refrain from altering the character of the occupied territories, including Jerusalem.

The two parties, Palestinian and Israeli, reached a historic reconciliation with the signing of the Declaration of Principles, on 13 September 1993. The two parties agreed on specific measures to settle their differences. The reconciliation is based on the principle of land for peace, Israeli withdrawal from the occupied territories — pursuant to Security Council resolutions 242 (1967) and 338 (1973) — and an arrangement based on the legitimate political rights of the Palestinian people and security measures in the region.

In spite of Israeli procrastination, the delay in the implementation of the agreement and the impediments Israel puts in the way of the withdrawal of its armed forces from the West Bank, we still cling to the hope that the logic of peace and reconciliation will prevail over expansionist ambitions, that the Declaration of Principles will be implemented on schedule and in good faith and that the final negotiations will proceed in order to lay the foundation of Palestinian political independence and lasting peace between the two parties.

The parties have also agreed, under the terms of the Declaration of Principles, to study certain issues when final negotiations for a settlement resume. In these circumstances, we wonder how Israel can honour its commitments under the Declaration of Principles when it is adopting measures designed to change the status of Jerusalem. Can this agreement be used as a pretence, as some are wont to say, so that the international community will change its decisions regarding the inadmissibility of Israeli measures to change the legal status of East Jerusalem or the expropriation of territories? The Declaration of Principles requires that the two parties not change in any way whatsoever Jerusalem's legal status.

On 6 February — more than three months ago — the Israeli Minister for Foreign Affairs met with the Ambassadors of the States members of the Security Council and those of other States. On that occasion he plainly enunciated Israel's commitment to implement the Declaration of Principles. He said clearly that Israel would not seize Arab territories in East Jerusalem. Which language are we to believe — the language of assurances and commitments or the language of expansionist measures depriving people of their rights?

The international community, through the Security Council, must today, more than before, reaffirm the position it has always held: that the Israeli measures intended to alter the status of Arab Jerusalem are inadmissible. If the Council were to remain inactive, its credibility would be undermined.

The States that want the peace process to succeed — especially the United States, as a co-sponsor of the peace process — should shoulder their responsibility and convince Israel that it should reverse its unlawful decision to expropriate Arab land in East Jerusalem. In this regard, I would like to point out that resolution 478 (1980) clearly reaffirms that Israel has no right to annex Jerusalem and urges all States not to send diplomatic delegations to Jerusalem. Respect for this resolution and other relevant resolutions of the Security Council is not only a principle of international law and of the United Nations Charter, but is also a requirement for the continuation of the peace process. It is certain that any violation of these resolutions could hinder the peace process, whose success so many countries, particularly Egypt, have striven to assure.

The Ministerial Conference of the League of Arab States, which met in emergency session on 6 May, decided to demand, based on international law and on the Security Council resolutions that I have mentioned, that the Security Council declare the Israeli action illegal and that Israel must rescind its decision to expropriate Arab territories in Jerusalem and in other areas so as to put an end to Israel's annexationist programmes and plans, the encirclement of the city and the diggings that are endangering the foundations of the Al-Aqsa Mosque.

The Conference also decided to urge the Council to reaffirm the need for security measures to be taken to protect the Palestinian Arab territories, while still granting Jerusalem its special status.

The eyes of all the Islamic and Arab peoples and of all peace-loving peoples are turned on this Council in the expectation of decisive action to put an end to the illegal Israeli measures and practices that are destroying their aspirations for a just and lasting peace to prevail in the region, on the basis of negotiation rather than confrontation and the use of force.

President Hosni Mubarak of Egypt has stated that Israel's decision violated all those principles, raised doubts about the peace process and offended the religious feelings of Christians and Muslims alike. On several occasions, Egypt has warned against the misdeeds of failing to respect the aspirations of the Arab and Islamic peoples and of permitting Israel to continue its expansionist policy.

The Security Council, in awareness of its responsibilities, will doubtless act today to avoid the danger of hardening the positions of the extremists, heightening the risk of confrontation and weakening those on the side of moderation.

**The President** *(interpretation from French):* The next speaker is the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. I invite him to take a place at the Council table and to make his statement.

**Mr. Farhadi** (Afghanistan), Acting Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People *(interpretation from French):* First of all, I wish to congratulate you warmly, Sir, on your assumption once more of the presidency of the Security Council, for the month of May. I am confident that under your very able and wise leadership, and thanks to your great experience, the work of the Council will be carried out in a successful manner.

I wish also to take this opportunity to convey our congratulations to your predecessor, Ambassador Karel Kovanda, the Permanent Representative of the Czech Republic to the United Nations, on the exemplary manner in which he guided the work of the Council during the month of April.

I am grateful to you, Mr. President, and to the other members of the Security Council for having given me the opportunity, as Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to participate in this important debate on the decision by the Israeli Government to confiscate 53 hectares of Palestinian land within the area of illegally annexed East Jerusalem. Of these hectares, 33 are near Beit Hanina, and the other 20 are near Beit Safafa. This is the biggest confiscation of Palestinian land in East Jerusalem since Israel occupied the Palestinian territory in 1967. The Israeli Government has also declared that the land will be used to build further illegal Israeli settlements.

The main issue at stake is Israel's continued illegal construction and expansion of settlements on Palestinian land and its allowing more Israeli settlers to move there, which is a direct and serious violation of international law, the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and the relevant General Assembly and Security Council resolutions.

This action by Israel also flagrantly violates the spirit and the letter of the Declaration of Principles on Interim Self-Government Arrangements signed on 13 September 1993 by the Government of Israel and the Palestine Liberation Organization, as well as other agreements between the Government of Israel and the Palestine Liberation Organization, and threatens the integrity of the peace process at this critical stage. It is an attempt by Israel to consolidate its claims on East Jerusalem ahead of the talks due to begin next year, that are to determine the status of Jerusalem.

In the Declaration of Principles it was agreed that negotiations on the final status of Jerusalem and on other issues would begin not later than the third year of the interim period. This recent decision by the Israeli Government to confiscate Palestinian land in East Jerusalem seriously undermines the peace process at a

time when the implementation of the second stage of the Declaration of Principles has been deferred, as have the redeployment of the Israeli forces to outside the populated areas in the West Bank and the elections for the Palestinian Council.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People considers that the confiscation of land in East Jerusalem and the increasing expansion and consolidation of settlements create a de facto situation inconsistent with Security Council resolutions 242 (1967) and 338 (1973), which the current peace process seeks to implement, and seriously compromise the agreements between Israel and the Palestine Liberation Organization.

Noting that similar concerns have been expressed by the League of Arab States, the Organization of the Islamic Conference and the Permanent Observer of Palestine to the United Nations, the Committee wishes to join them in appealing to the Security Council, to the sponsors of the peace process and to all others concerned to exert their influence on the Israeli Government to desist from taking any further measures that undermine the peace process and, specifically, to rescind its decision to confiscate Palestinian land in East Jerusalem and end its settlement policy, as indispensable steps towards attaining the just and lasting peace we are all striving for.

The Committee believes that only rapid and consistent progress in the peace process leading to a comprehensive, just and lasting peace in the Middle East will prevent the current situation from deteriorating even further. The Committee calls on all concerned to spare no effort to overcome the current obstacles and move forward towards the full implementation of the agreements that have been reached thus far.

The convening of the Security Council indicates that the continuing deterioration of the situation in the occupied Palestinian territories is of major concern to the members of the Council and to the international community as a whole. The Committee on the Exercise of the Inalienable Rights of the Palestinian People therefore hopes that this debate will culminate in a clear demonstration of the Council's determination to find ways and means to rescind the declared confiscation of Palestinian land by Israel and instead to reinvigorate the peace process. The international community must assist the parties in proceeding rapidly on the road to a negotiated peace, a road on which they have embarked together, the only road which can assure a lasting peace in the region.

**The President** *(interpretation from French)*: I thank the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People for his kind words addressed to me.

The next speaker is the representative of Algeria. I invite him to take a place at the Council table and to make his statement.

**Mr. Lamamra** (Algeria) *(interpretation from Arabic)*: It gives me pleasure to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. We are confident that with your experience, skill and wisdom and under your leadership the Council's consideration of the question before us will have the desired results.

It also gives me pleasure to congratulate your predecessor the Permanent Representative of the Czech Republic on his skilled conduct of the affairs of the Council last month.

More than 18 months have passed since the mutual recognition of the Palestine Liberation Organization (PLO) and the Government of Israel and the signing of the Declaration of Principles on Interim Self-Government Arrangements which were the first steps towards the establishment of peace in the Middle East.

Despite the broad hopes accompanying the positive developments that the region witnessed as a result of the declared commitment of both parties to continue negotiations notwithstanding repeated acts of violence aimed at frustrating the peace process, the international community has always realized that the road to peace is long and risky.

Today we are debating the situation in the occupied Palestinian territories at the request of the Arab and Islamic groups. The most serious of these obstacles are those faced by holy Jerusalem as a result of the continued settlement policy of Israel. The latest decision of the Israeli Government to confiscate new Palestinian land in east Jerusalem on which to build additional settlements, a decision mainly aimed at uprooting the existence and rights of Arabs and Palestinians in this holy city is a flagrant violation of the relevant Security Council resolutions and the norms of international law, especially the Fourth Geneva Convention of 1949.

The decision also runs counter to the basis and principles of the ongoing peace process. The decision

constitutes a grave threat to the peace process which has so far overcome many obstacles.

The new decision again emphasizes the continued expansionist intentions of Israel aimed at changing the legal status, the geographical features and demographic composition of the Holy City of Jerusalem.

Algeria strongly condemns this latest decision by the Israeli Government and calls on the international community represented in the Security Council and the two sponsors of the peace process, to take all the necessary measures based on Security Council resolution 478 (1980) to force Israel to rescind this serious decision and stop all practices that are aimed at changing the features and characteristics of the Holy City.

Deeply concerned at these policies and practices of Israeli settlement, Algeria wishes to reaffirm that a settlement in the Middle East should be based on Security Council resolutions 242 (1967) and 338 (1973) and Israel's withdrawal from occupied Palestinian and Arab territories, including Jerusalem, and the exercise by the Palestinian people of its inalienable national rights, especially its right to self-determination.

Algeria also wishes to underline the continued responsibility of the United Nations for the question of Palestine until a comprehensive, lasting and just solution is reached. That is why the Council is today called upon firmly to reflect international legality through a clear text that responds to the legitimate demands of the Arab and Islamic groups.

**The President** *(interpretation from French)*: I thank the representative of Algeria for his kind words addressed to me.

The next speaker is the representative of Lebanon. I invite him to take a place at the Council table and to make his statement.

**Mr. Moubarak** (Lebanon) *(interpretation from Arabic)*: I am delighted to say how pleased we are to see you, Sir, as President of the Council for this month. We are aware of how committed France is to the cause of peace in the Middle East and we know that the work of the Council will be well directed thanks to your wisdom and experience.

I also wish to thank your predecessor, the Permanent Representative of the Czech Republic, for the exemplary way in which he conducted the proceedings of the Council for the month of April.

In spite of its participation in the peace process in the Middle East, Israel is continuing its expansionist policies and its policy of procrastination. Contrary to all legality and the law it continues to defy the resolutions of the United Nations and its Charter. The Government of Israel has decided to confiscate 53 hectares in east Jerusalem in order to build new settlements there. It seems that these confiscation measures were preceded by similar measures and will be followed by others unless this situation is brought to an end.

Israel's confiscation of these Arab lands constitutes a danger to the peace process and dispels confidence in Israel's commitment to the negotiations. This is all the more so since it runs counter to the principles on the basis of which the peace conference was held in Madrid.

At this delicate point in history, Israel must decide once and for all whether it wishes to respect the basis and inviolable principles of established international law. For this reason, we wish to emphasize the following areas of concern. First, the Holy City of Jerusalem is of vital importance given the religious, emotional and cultural values of civilization it has represented for Palestinians, Arabs, Muslims and Christians throughout the world and over the ages. Second, we also wish to emphasize the importance of the question of Jerusalem to the peace process and of the implementation of the United Nations resolutions that prohibit a change in the status of the city of Jerusalem, which is an integral part of the Arab territories that have been occupied since 1967. In this respect, a number of resolutions have been adopted by the Security Council and the General Assembly that confirm this reality. In its resolutions 252 (1968), 267 (1969), 271 (1969), 298 (1971) and 476 (1980), the Security Council has made it clear that legislative and administrative measures taken by Israel with a view to confiscating land and property and modifying the legal status of Jerusalem are null and void. In resolution 478 (1980), it also emphasized that it did not recognize what has been called the "basic law" on Jerusalem and called on States that had established diplomatic missions in Jerusalem to withdraw them from the Holy City. Third, Israeli settlements are unlawful according to the provisions of the Fourth Geneva Convention of 1949. Fourth, Israel must respect its international commitments with regard to the peace process and the Holy City of Jerusalem. Fifth, the Security Council must condemn Israeli practices and policies aimed at annexing Arab

territories, including the Holy City of Jerusalem. Similarly, Israel must end any arbitrary actions which threaten the peace process and peace and security in the region and the world at large.

The responsibility of the Security Council as regards the maintenance of peace is not confined to the adoption of resolutions; these resolutions should also be implemented. On many occasions, we have warned against a failure by the Council to honour its obligations. This would lead Israel to believe that it could shirk its responsibilities as a Member of this Organization and that it could continue its policies and acts of aggression with impunity. The proof of this can be seen in Israel's recent actions and its continued occupation of the Arab territories it first seized in 1967.

To those who consider the question from a purely materialistic standpoint, I would say that Jerusalem is one matter on which there can be no compromise in terms of land because Jerusalem is central to the Arab world and the Palestinian cause. We will never accept any measure that violates the Holy City or that affects individuals and land. The Israelis are harassing Palestinians to try and force them to leave the city, which if they did, would alter the demographic and social structure of the Holy City of Jerusalem. We emphasize the fact that excavation work is endangering the Al-Aqsa Mosque and the holy places of Christians and Muslims in the city of Jerusalem. The international community must not forget that Israeli settlements are illegitimate, unlawful and an obstacle to the peace process. These settlements are a time bomb and pose a grave danger not only to the peace process but also to the stability of the region as a whole. The problem in Jerusalem at the moment is not circumstantial. We are all familiar with what has caused it. It is high time that international law was respected and that international resolutions on this issue were implemented. The indulgence shown towards Israel must end in view of its defiance and its negative approach to finding a solution, even in the framework of the peace process that begin in Madrid in 1991.

In this context, Lebanon continues to suffer under Israeli occupation. In certain parts of the south and western Beka'a, Lebanese citizens are suffering daily from the bombing of their cities and villages as Israel continues to refuse to implement resolution 425 (1978). Hundreds of Lebanese are detained arbitrarily and spend years in Israeli jails in what has been called the "security belt" and in Israel itself. The International Committee of the Red Cross (ICRC) is not allowed to visit the prisoners and there is a complete failure to implement the resolutions taken in this respect by the Commission on Human Rights. Likewise, the Israeli navy is continuing to enforce a blockade and preventing fishing vessels from leaving the coast. Despite these actions, there is no effective response aimed at ending such flagrant acts of aggression.

The lack of measures and effective action on the part of the Security Council to end Israel's acts of aggression and the suffering of the people will destroy any hope of a just and lasting peace and will merely help the situation to deteriorate further and prolong the suffering of the people of the region. The people of Lebanon are looking to the Council to see if the international law promised to us by the new world order will apply to Israel or not and to see whether an exception will be made for Israel in the framework of the application of international law.

**The President** *(interpretation from French):* I thank the representative of Lebanon for his kind words addressed to me.

Because of the lateness of the hour, I propose, with the consent of the Council, to suspend the meeting.

However, before doing so, I call on the representative of Palestine, who wishes to speak in exercise of the right of reply.

**Mr. Al-Kidwa** (Palestine) *(interpretation from Arabic):* First of all, I would like to assure the President and members of the Security Council that I do not intend to exercise fully my right of reply to the statement made by the delegate of Israel as this would require a great deal of time which we do not have available at the moment. I will therefore restrain myself. The statement made by a State Member of the United Nations almost led me to believe that the Palestinian side was confiscating Israeli lands, not the other way round.

At any rate, I have asked to speak solely to rectify certain figures and percentages mentioned by the representative of Israel in his statement.

These figures and percentages are odd. According to him, 63 per cent of the confiscated land is Israeli land. These figures and percentages were once put forward by Mr. Peres, the Israeli Minister for Foreign Affairs, but they were not taken up in the press or on the radio or on television, nor have they been put forward by military spokesmen or by any other Minister. Now, however, we find them in the statement of the representative of Israel.

If we carefully examine the text of his statement we note the clever way in which the figures are formulated. We find an additional 185 hectares, which were confiscated two years ago by the Israeli authorities in the Jabal Abu Ghneim area. To that figure have been added the 53 hectares we are now talking about. These 185 hectares became Jewish land because they were confiscated two years ago, and, on the basis of legal arguments put forward by Israel, most of those hectares were deemed to be Israeli land. Thus, Arab citizens deprived of their recourse to justice will now see their land automatically considered as Jewish land. This land, which originally belonged to Arabs, was confiscated two years ago, and most of it, through this process, has been regarded as Jewish land.

As for the 53 hectares, even if the figures contained in the statement of the representative of Israel were correct and accurate, they indicate that the land belonging to Jews does not exceed 11 hectares. The rest of the land is Arab land, in accordance with a situation that has prevailed since the Ottoman era. For our part, it is our belief that the figures themselves are neither correct nor accurate. The figures set forth in the statement of the Ambassador of Israel, unfortunately, have no basis in fact.

We should like to state clearly that the crux of the problem is that East Jerusalem is land occupied by Israel and that the Fourth Geneva Convention is applicable to that land, as has been repeatedly confirmed by the Security Council. The question is not one of private property but of measures the occupying forces are prohibited from taking, whether they involve confiscation or any other measure.

**The President** *(interpretation from French)*: The meeting is suspended until Monday, 15 May 1995, at 10.30 a.m.

*The meeting was suspended at 8.45 p.m.*